

December 8, 2014

**NOTICE OF CHANGES TO PROPOSED TEXT**  
***CALPIA Personnel***

The full text of the amendments to the California Code of Regulations (CCR) that concern CALPIA Personnel is provided in the following two formats:

**1) ALL CHANGES TO ORIGINAL PROPOSED TEXT**

Original Proposed Language

single underline indicates added or amended text

single strikeout indicates deleted text

First 15-day Notice Changes

bold indicates added or amended changed text to original proposed language

double strikeout indicates deleted text to original proposed language

Second 15-day Notice Changes

double underline indicates added or amended text to original proposed language

bold, double strikeout, single underline indicates deleted text to original proposed language

**2) CHANGES FOR SECOND 15-DAY NOTICE ONLY**

Original Proposed and First 15-Day Noticed Text Changes

Indicated in plain text. Underlining and/or strikethrough is not included.

Second 15-day Notice Changes

double underline for added or amended text

double strikeout indicates deleted text

These revisions and accommodations to proposed text are being made in response to recommendations received by the Office of Administrative Law. These proposed changes are being made available for public comment from December 8, 2014 thru December 23, 2014.

Also included in this Notice of Change is a Supplemental to the Initial Statement of Reasons. This supplemental is included to explain details of second 15-day changes and to further explain all proposed text from its origination to date.

### **REVISIONS TO REGULATION TEXT:**

Subsection 8000 is amended to add the following terms and definitions:

- ‘Background Clearance’ is added and necessary to define in the proposed text. The proposed text will designate when ex-inmates must have a background clearance. By defining this term, regulations regarding background clearance will be clarified for all regulations pertaining to background clearances.
- “Emergency” is defined and added to the proposed text. The proposed text will regulate emergency situations at CALPIA. Defining the term “emergency,” will help everyone affected by the new regulation to understand what type of circumstances will require their immediate action.
- “Intoxicants” is added and defined to specify the types of chemicals that do not fall within the definitions of controlled substance or drug. Defining intoxicants will streamline the regulation that prohibits employees from improperly supplying or aiding inmates/parolees with the use of chemicals and/or chemical preparations.

Section 8101 is amended and new text is added to clarify:

- The General Manager or his/her designee has the sole authority and discretion to declare an emergency to support continuous operations at CALPIA which have an effect on public peace, health, safety, or general welfare.

Section 8103 is deleted and reserved for later use. CALPIA determined clarity issues when trying to require employees to follow two sets of personnel regulations from two different agencies. The regulations conflicted.

Section 8105 is amended to:

- omit text that pertained to contractors. Because CALPIA determined contractors are not employees and changed the definition, this section was impacted. The language pertaining to contractors as employees no longer applies in this regulation.

The title of Section 8106 is amended to:

- omit ‘intoxicants’ and add ‘controlled substances’ to match the title to this section as it relates to the text within the section.

Section 8106(c) is amended

- for formatting purposes that do not substantially change the meaning of original text.

Section 8106(d) is amended to:

- omit ‘intoxicants’ and add ‘controlled substances.’ These changes were made to match this section to new, defined terms regarding ‘intoxicants’ and add ‘controlled

substances.’ Reformatting text is also made. The reformatting did not substantially change the meaning of original text.

Section 8106(e) is amended to:

- omit ‘civil service.’ By removing ‘civil service,’ Section 8106(e) becomes specific to CALPIA employees only.

Section 8107 Unauthorized Electronic Communication Device is renumbered to 8108.

New Section 8107, titled ‘Intoxicants’ is added to:

- prohibit misuse of chemicals that would otherwise be used in normal, routine job duties.

Section 8108 regarding “Vacations” is deleted. CALPIA determined a regulation to revoke an employee’s approved vacation time is unnecessary and not needed.

Section 8109 is reserved.

Section 8109, ‘Employee Work Schedules’ is renumbered to 8110.

Section 8110 is deleted. CALPIA determined a regulation to mandate employees to mandatory training is unnecessary and not needed.

Section 8114(c) is deleted. CALPIA determined a regulation that repeats Government Code Section 68097.2(a) is not necessary.

Section 8114(d) is deleted. CALPIA determined a regulation that repeats Government Code Section 68097.2(b) is not necessary.

Section 8114(e) is deleted. CALPIA determined that regulating employees to turn in a travel expense claim is not necessary.

Section 8114(f) is deleted. CALPIA determined it did not have the authority to require employees to relinquish their witness fees under specific circumstances of their testimony.

Section 8115 is amended to:

- clarify familiarity so employees understand how to converse with inmates, parolees, or family members, friends, or associates of inmates or parolees.

Title of Section 8118 is amended. The word ‘Employee’ is removed from the title because this section does not pertain to employees only.

Section 8118 (a) is amended to:

- prohibit sexual misconduct between all non-incarcerated individuals and inmates/parolees. The original proposed was not broad enough to cover everyone, including visitors.

Section 8118 is formatted to flow and read easier. The formatting changes did not substantially change Section 8118.

Section 8118(d) is amended to:

- omit repetitive language. Regulatory text already covers employee disciplinary action and possible prosecution for all non-incarcerated individuals who engage in sexual misconduct.

Section 8118(f) is reformatted. Section 8118(f) did not substantially change.

Section 8119(c) is amended to:

- to clarify ex-offenders must complete a background check prior to being appointed to any position they apply for.

**All written comments must be received by 5:00 p.m. on December, 2014.** Please limit your comments to the modifications proposed in this second 15-day notice. Submit comments to Dawn Eger, Legal Analyst, 560 East Natoma Street, Folsom, CA 95630; by fax to (916) 358-2709; or by e-mail to [PIARegs@calpia.ca.gov](mailto:PIARegs@calpia.ca.gov) before 5:00 p.m. on December 22, 2014.

**3) ATTACHMENTS:      ALL CHANGES TO ORIGINAL PROPOSED TEXT  
CHANGES TO SECOND 15-DAY NOTICE ONLY  
SUPPLEMENTAL TO THE INITIAL STATEMENT OF REASONS**